

# The Housing Authority of the Town of Guttenberg

## **NO-SMOKING POLICY**

24 CFR Parts 965 and 966

Effective: **July 30, 2018**

### **Department of Housing and Urban Development Rule:**

On December 5, 2016, the United States Department of Housing and Urban Development (HUD) adopted Final Rule: 81 FR 87430, effective February 3, 2017, which **requires** every Public Housing Authority (PHA) administering public housing, to implement a No-Smoking Policy no later than eighteen (18) months from the effective date of the rule. Each PHA must implement a No-Smoking Policy banning the use of prohibited tobacco products in all public housing units, indoor common areas, and PHA administrative office buildings. The No-Smoking Policy must also extend to all outdoor areas up to twenty-five (25) feet from all public housing and administrative office buildings.

### **Governing Law:**

HUD Final Rule: 81 FR 87430; 24 CFR 965.651; 24 CFR 965.653; 24 CFR 965.655; and 24 CFR 966.4(f)(12)

### **Purpose:**

The Housing Authority of the Town of Guttenberg (“Housing Authority”) adopts this No-Smoking Policy, in conformity with Federal Law, to reduce the risks of fire, health effects of secondhand smoke, and increased maintenance costs, while providing a decent, safe and sanitary living environment for existing and prospective residents.

### **Applicability:**

In accordance with this No-Smoking Policy, all residents, visitors, Housing Authority employees, contractors, volunteers, and vendors shall be prohibited from smoking in the interior areas and within 25 feet of any Housing Authority building or administrative office.

### **Definitions:**

“Smoking” means inhaling, exhaling, breathing, carrying or possessing any lighted cigar, cigarette, pipe, other prohibited tobacco products or similar lighted products in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such devices, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

**All Buildings Smoke-Free:**

All interior areas of public housing buildings and administrative offices shall be completely smoke-free. Smoking is prohibited in all units, including but not limited to any balconies, decks, patios, and in the common areas of building, including but not limited to, community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, day care center, offices, and elevators.

**Smoking on Housing Authority Grounds:**

Smoking is prohibited anywhere within twenty-five (25) feet of a Housing Authority building

**Marijuana:**

The smoking or use of marijuana has been and remains prohibited on all Housing Authority property, including within tenant units, interior common areas of Housing Authority buildings, administrative offices, and external grounds. The smoking of marijuana, using any means, will be considered a violation of this No-Smoking Policy in addition to constituting a substantial violation of the lease. The “Violations” section below does not apply to a violation of this No-Smoking Policy for marijuana use. The Housing Authority is entitled to take appropriate tenancy action under the lease and New Jersey law for the prohibited use of marijuana on Housing Authority property.

**Violations:**

This No-Smoking Policy shall be incorporated into the resident lease and the Housing Authority’s Handbook. Violation of this Policy shall be considered a lease violation and a violation of the rules and regulations of the Housing Authority. Appropriate action may be taken in accordance with applicable New Jersey State Law and Federal Regulations for violation of this Policy. Such action can include lease termination and eviction, as set forth below.

Penalties for violating the Policy:

First Offense –	Written Warning
Second Offense-	Second Written Warning
Third Offense-	Notice to Cease
Fourth Offense-	Lease Termination and Eviction Proceedings